

February 3, 2010

Sandra Marquez
United States Fish and Wildlife Service
Carlsbad Field Office
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011

Lyann Comrack
Nongame Wildlife Program
California Department of Fish and Game
1812 Ninth Street
Sacramento, CA 95811

Subject: Coastal California Gnatcatcher Winter Survey Results: Interstate-5 High Occupancy Vehicle (HOV) Lane Extension Project, October 2009–January 2010

Dear Ms. Marquez and Ms. Comrack:

This letter report documents the results of protocol non-breeding season surveys for the coastal California gnatcatcher (*Poliophtila californica californica*) conducted by LSA Associates, Inc. (LSA). Surveys were conducted for the proposed Interstate-5 (I-5) High Occupancy Vehicle (HOV) Lane Extension project in the Cities of San Clemente, Dana Point, and San Juan Capistrano, Orange County, California (Figures 1–2 in Appendix A). The coastal California gnatcatcher is a federally listed threatened species.

Up to seven pairs of California gnatcatchers were found in coastal sage scrub (CSS) within the I-5 right-of-way during the surveys (Figures 2A and 2B).

STUDY AREA

The Orange County Transportation Authority (OCTA), in cooperation with the California Department of Transportation (Caltrans), proposes road improvements and the extension of HOV lanes on I-5 from 0.1 mile (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.3) to 0.1 mi south of the San Juan Creek Road UC (PM 8.7). The linear project area begins in the north near San Juan Creek at approximately 33°29'39" N, 117°39'36" W and terminates south of East Avenida Pico at approximately 33°25'57" N, 117°36'57" W with a major curve at approximately 33°28'16" N, 117°40'27" W. The project ranges in elevation from approximately 70 to 225 feet (ft) above mean sea level (amsl). Vegetation within and adjacent to the State right-of-way for the project segment of I-5 is dominated by CSS, saltbush (*Atriplex* sp.) scrub, and ornamental plantings (e.g., hottentot fig [*Carpobrotus edulis*], *Eucalyptus* sp., *Pinus* sp., *Schinus* sp.).

METHODS

LSA biologists Ingri Quon and Richard Erickson conducted nine protocol non-breeding season surveys from October 5, 2009 to January 25, 2010. During each survey, the biologist walked slowly through the CSS and adjacent habitats, listening for coastal California gnatcatchers. A taped coastal California gnatcatcher recording was played periodically along the survey route.

Mr. Erickson and Ms. Quon's surveys were conducted pursuant to Federal Fish and Wildlife Permit TE-777965-8 (April 8, 2008–April 7, 2012) and a letter permit from the California Department of Fish and Game (CDFG) attached to Scientific Collecting Permit SC-000777 covering conditions for

research on listed birds (July 23, 2009–April 12, 2012). On September 22, 2009, per permit requirements, a 10-day notification was faxed to Sandra Marquez (United States Fish and Wildlife Service [USFWS]) and Lyann Comrack (CDFG). The survey schedule and conditions are shown in Table A.

Table A: Survey Schedule and Conditions

| Date 2009-2010 | Time | Weather | Surveyor |
|---------------------------|-------------|--------------------------------|-----------------|
| October 5 | 0715–1130 | Partly cloudy, mild, light air | IQ |
| October 19 | 0815–1115 | Partly cloudy, mild, light air | IQ |
| November 2 | 0900–1100 | Clear, mild, light air | IQ |
| November 13 | 0745–1130 | Overcast, cool, calm | RE |
| November 27 | 0800–1130 | Clear, mild, calm | IQ |
| December 15 | 0745–1130 | Overcast, cool, calm | RE |
| December 30 | 0900–1200 | Overcast, cool, light air | IQ |
| January 12 | 0745–1100 | Overcast, cool, calm | RE |
| January 25 | 0800–1115 | Clear, chilly-mild, light air | IQ |

Surveyor: RE = Richard Erickson; IQ = Ingri Quon

RESULTS

Most CSS within the I-5 right-of-way is occupied by coastal California gnatcatchers. Up to seven pair of California gnatcatchers were observed during the surveys (Figures 2A and 2B). Many of the pairs were observed during each survey. On November 13, three pairs of gnatcatchers were observed in CSS along the western slope of I-5 near Camino Capistrano and Doheny Park Road. On the same day, a fourth pair was detected across the freeway approximately 350 ft south of the Stonehill Drive on-ramp to I-5 north. On January 25, up to three more pairs were observed in the high quality CSS along the southwest side of I-5 between Camino de Estrella and the Shorecliff Golf Club at Avenida Vaquero.

The brown-headed cowbird (*Molothrus ater*), which is a brood parasite of California gnatcatchers and other passerines, was not detected on any survey. Animal species detected during the surveys are listed in Appendix B.

If you have any questions or comments, please call (949) 553-0666 or email me at ingri.quon@lsa-assoc.com or Mr. Erickson at richard.erickson@lsa-assoc.com.

Sincerely,

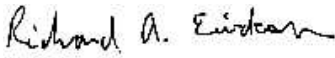

LSA ASSOCIATES, INC.



Ingri Quon
Senior Biologist

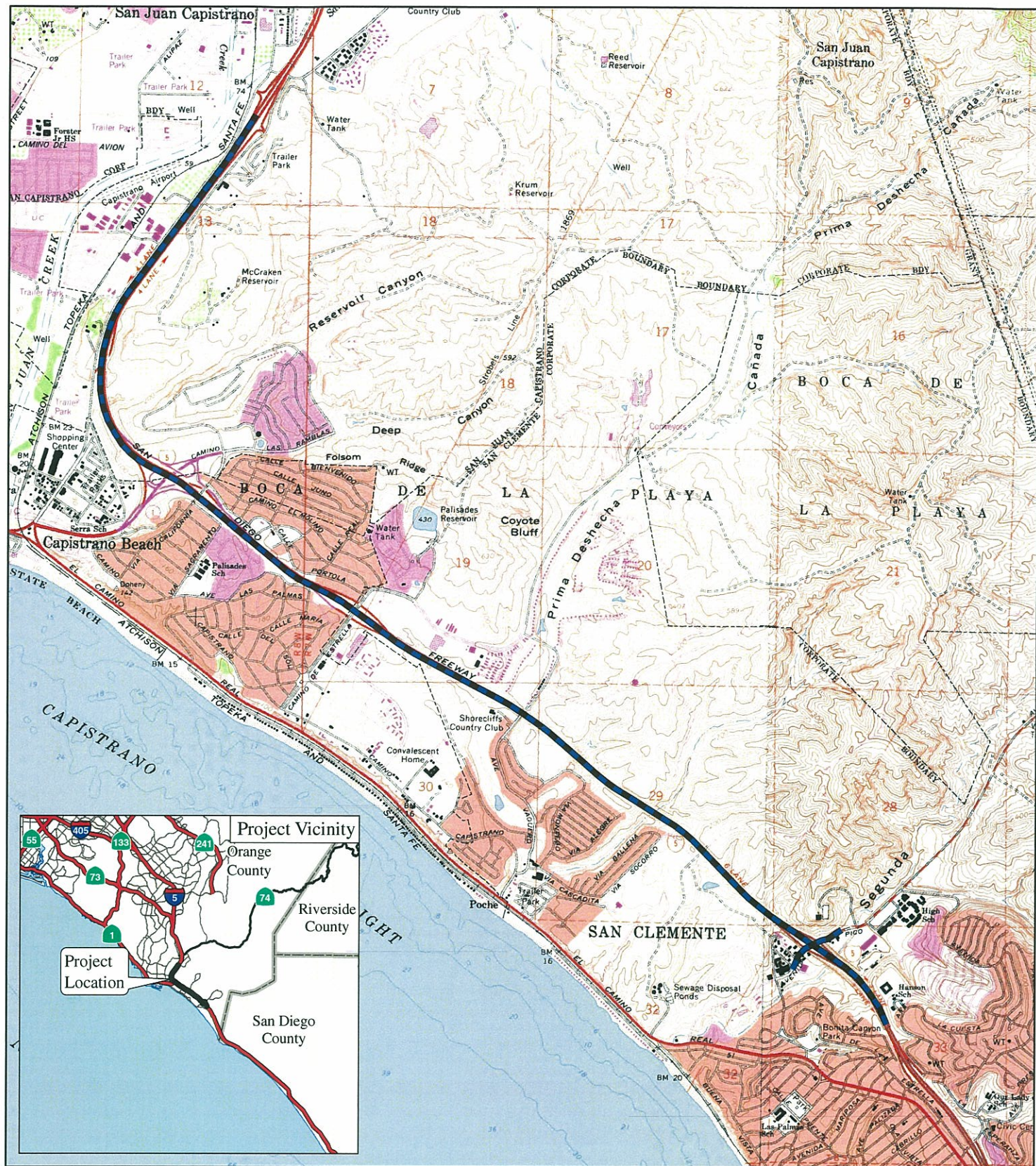
Attachments: Appendix A: Figures 1–2
Appendix B: Animal Species Detected

I CERTIFY THAT THE INFORMATION IN THIS SURVEY REPORT AND ATTACHED EXHIBITS FULLY AND ACCURATELY REPRESENT MY WORK:

| SURVEYOR: | PERMIT NUMBER: | DATE: |
|---|-----------------------|------------------|
|  Richard Erickson | TE-777965-8 | February 3, 2010 |
|  Ingri Quon | TE-777965-8 | February 3, 2010 |

APPENDIX A

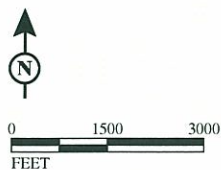
FIGURES



LEGEND

Project Location

FIGURE 1



SOURCE: USGS 7.5' QUAD - Dana Point ('75); San Clemente ('75)

I:\RMN0901\GIS\Figure1_ProjLoc.mxd (2/3/2010)

I-5 HOV Lane Extension Project
 Project Location
 12-ORA-005 PM 3.30/8.70
 12840-OF960K
 EA# OF9600



LEGEND

-  Biological Study Area
-  Coastal California Gnatcatcher pair and/or adult sighting area



0 100 200
FEET

SOURCE: Bing (2008)

I:\RMN0901\GIS\Cagn_Areas.mxd (2/3/2010)



FIGURE 2A

I-5 HOV Lane Extension Project
Coastal California Gnatcatcher Areas
12-ORA-005 PM 3.30/8.70
12840-0F960K
EA# OF9600



LEGEND

- Biological Study Area
- Coastal California Gnatcatcher pair and/or adult sighting area



0 100 200
FEET

SOURCE: Bing (2008)

I:\RMN0901\GIS\Cagn_Areas.mxd (2/3/2010)



FIGURE 2B

I-5 HOV Lane Extension Project
Coastal California Gnatcatcher Areas
12-ORA-005 PM 3.30/8.70
12840-0F960K
EA# OF9600

APPENDIX B

ANIMAL SPECIES DETECTED

APPENDIX B ANIMAL SPECIES DETECTED

This is a list of the conspicuous aerial insects (i.e., damselflies, dragonflies, and butterflies), reptiles, birds, and mammals noted in or flying over the study area by LSA Associates, Inc. biologists during surveys conducted from October 2009 through January 2010. Presence may be noted if a species is seen or heard, or identified by the presence of tracks, scat, or other signs.

* Species not native to the study area

ANISOPTERA

Aeshnidae

Rhionaeschna multicolor

Libellulidae

Sympetrum corruptum

Pantala flavescens

LEPIDOPTERA

Pieridae

* *Pieris rapae*

Anthocharis sara

Lycaenidae

Brephidium exilie

Nymphalidae

Nymphalis antiopa

Vanessa cardui

Hesperiidae

Pyrgus albescens/communis

AMPHIBIA

Hylidae

Pseudacris hypochondriaca

TYPICAL DRAGONFLIES

Darners

Blue-eyed darner

Skimmers

Variegated meadowhawk

Wandering glider

BUTTERFLIES

Whites and Sulphurs

Cabbage white

Sara orangetip

Gossamer-Wing Butterflies

Western pygmy-blue

Brush-Footed Butterflies

Mourning cloak

Painted lady

Skippers

White/common checkered-skipper

AMPHIBIANS

Treefrogs and Relatives

Baja California treefrog

REPTILIA

Phrynosomatidae

Sceloporus occidentalis

AVES

Pelecanidae

Pelecanus occidentalis

Ardeidae

Ardea alba

Egretta thula

Cathartidae

Cathartes aura

Accipitridae

Pandion haliaetus

Accipiter cooperii

Buteo lineatus

Buteo jamaicensis

Falconidae

Falco sparverius

Charadriidae

Charadrius vociferus

Laridae

Larus occidentalis

Larus californicus

Larus argentatus

Columbidae

* *Columba livia*

Zenaida macroura

Cuculidae

Geococcyx californianus

Trochilidae

Calypte anna

Calypte costae

Selasphorus rufus/sasin

REPTILES

Phrynosomatid Lizards

Western fence lizard

BIRDS

Pelicans

Brown pelican

Herons, Bitterns, and Allies

Great egret

Snowy egret

New World Vultures

Turkey vulture

Hawks, Kites, Eagles, and Allies

Osprey

Cooper's hawk

Red-shouldered hawk

Red-tailed hawk

Caracaras and Falcons

American kestrel

Plovers and Lapwings

Killdeer

Gulls, Terns, and Skimmers

Western gull

California gull

Herring gull

Pigeons and Doves

Rock pigeon

Mourning dove

Cuckoos, Roadrunners, and Anis

Greater roadrunner

Hummingbirds

Anna's hummingbird

Costa's hummingbird

Rufous/Allen's hummingbird

Picidae

Picoides nuttallii

Tyrannidae

Sayornis nigricans

Sayornis saya

Tyrannus vociferans

Vireonidae

Vireo huttoni

Corvidae

Aphelocoma californica

Corvus brachyrhynchos

Aegithalidae

Psaltirparus minimus

Troglodytidae

Thryomanes bewickii

Troglodytes aedon

Regulidae

Regulus calendula

Sylviidae

Polioptila caerulea

Polioptila californica californica

Turdidae

Sialia mexicana

Catharus guttatus

Timaliidae

Chamaea fasciata

Mimidae

Mimus polyglottos

Toxostoma redivivum

Sturnidae

* *Sturnus vulgaris*

Motacillidae

Anthus rubescens

Woodpeckers and Allies

Nuttall's woodpecker

Tyrant Flycatchers

Black phoebe

Say's phoebe

Cassin's kingbird

Vireos

Hutton's vireo

Crows and Jays

Western scrub-jay

American crow

Long-Tailed Tits and Bushtits

Bushtit

Wrens

Bewick's wren

House wren

Kinglets

Ruby-crowned kinglet

Old World Warblers and Gnatcatchers

Blue-gray gnatcatcher

Coastal California gnatcatcher

Thrushes

Western bluebird

Hermit thrush

Babblers

Wrentit

Mockingbirds and Thrashers

Northern mockingbird

California thrasher

Starlings

European starling

Wagtails and Pipits

American pipit

Ptilogonatidae

Phainopepla nitens

Parulidae

Vermivora celata

Dendroica coronata

Dendroica townsendi

Geothlypis trichas

Emberizidae

Pipilo maculatus

Pipilo crissalis

Melospiza melodia

Melospiza lincolni

Zonotrichia leucophrys

Zonotrichia atricapilla

Fringillidae

Carpodacus mexicanus

Spinus psaltria

Passeridae

* *Passer domesticus*

MAMMALIA

Sciuridae

Spermophilus beecheyi

Geomyidae

Thomomys bottae

Cricetidae

Neotoma lepida

Leporidae

Sylvilagus audubonii

Canidae

Canis latrans

Mephitidae

Mephitis mephitis

Silky-flycatchers

Phainopepla

Wood Warblers

Orange-crowned warbler

Yellow-rumped warbler

Townsend's warbler

Common yellowthroat

Emberizids

Spotted towhee

California towhee

Song sparrow

Lincoln's sparrow

White-crowned sparrow

Golden-crowned sparrow

Fringilline and Cardueline Finches and Allies

House finch

Lesser goldfinch

Old World Sparrows

House sparrow

MAMMALS

Squirrels, Chipmunks, and Marmots

California ground squirrel

Pocket Gophers

Botta's pocket gopher

Hamsters, Voles, Lemmings, and New World Rats and Mice

Desert woodrat

Rabbits and Hares

Audubon's cottontail

Foxes, Wolves, and Allies

Coyote

Skunks

Striped skunk

Procyonidae

Procyon lotor

Raccoons and Allies

Raccoon

Cervidae

Odocoileus hemionus

Deer, Elk, and Allies

Mule deer

Taxonomy and nomenclature are based on the following.

Damselflies and dragonflies: Paulson, D. (2009, Dragonflies and Damselflies of the West, Princeton University Press, Princeton, New Jersey).

Butterflies: North American Butterfly Association (2001, NABA checklist and English Names of North American Butterflies, Second Edition, North American Butterfly Association, Morristown, New Jersey; see <http://www.naba.org/pubs/checklst.html>).

Amphibians and reptiles: Crother, B.I. ed. (2008, Scientific and Standard English Names of Amphibians and Reptiles of North America North of Mexico. *Herpetological Circular* 37) for species taxonomy and nomenclature; Stebbins, R.C. (2003, A Field Guide to Western Reptiles and Amphibians, third edition, Houghton Mifflin, Boston) for sequence and higher order taxonomy.

Birds: American Ornithologists' Union (1998, The A.O.U. Checklist of North American Birds, Seventh Edition, American Ornithologists' Union, Washington D.C.; and supplements; see <http://www.aou.org/checklist/north/index.php>).

Mammals: Wilson, D.E., and D.M. Reeder, eds. (2005, Mammal Species of the World, 3rd ed., Johns Hopkins University Press, Baltimore, Maryland; see <http://vertebrates.si.edu/mammals/msw/>).